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6 Attorneys for Movant  
7 WELLS FARGO BANK, N.A.  
8 aka: Wachovia Mortgage, a Division of Wells Fargo Bank, N.A.  
9 fka: Wachovia Mortgage, FSB  
fka: World Savings Bank, FSB

10 UNITED STATES BANKRUPTCY COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 In re ) Case No. 10-46603  
13 ) Chapter 7  
14 KENNETH M. BURT, ) Docket Control No.: DMM-1  
15 ) **First Deed: 2255 Oppio Street**  
16 Debtor. )  
17 ) MOTION FOR RELIEF FROM STAY  
18 ) [Bankruptcy Rule 4001,  
19 ) Local Rule 4001-1, 9014-1]  
20 )  
21 THOMAS A. ACEITUNO, ) Date: December 1, 2010  
22 ) Time: 10:00 a.m.  
23 Trustee. ) Judge: Robert S. Bardwil  
24 ) Ctrm: 34  
25 ) Place: U.S. Bankruptcy Court  
26 ) 501 I Street, Sacramento, CA  
27 )  
28 )

TO THE COURT AND TO ALL INTERESTED PARTIES:

WELLS FARGO BANK, N.A., will and hereby does move the court for an order terminating the automatic stay provisions of 11 U.S.C. §362 and permitting Movant to continue to exercise its lien enforcement rights under the deed of trust described in the accompanying declaration and for attorney's fees incurred herein.

...

1                   Movant has standing to bring this motion as the successor, by merger, to the original lender  
2 and beneficiary, and Movant currently possesses the original adjustable rate mortgage note.

3                   Said motion is made on grounds that debtor's estate has no realizable equity in said real  
4 property, that the property is not necessary for an effective reorganization of debtor herein, and that  
5 Movant is not adequately protected.

6                   Furthermore, Movant specifically seeks to nullify the effect of Bankruptcy Rule 4001 (a)(3).

7                   In addition, Movant seeks to have the court determine that this bankruptcy proceeding has  
8 been finalized for the purposes of Cal. Civil Code §2923.5 and the enforcement of the note and deed  
9 of trust described herein against the subject real property.

10                  This motion is based on the papers and pleadings on file herein, the Declaration of Ceseli  
11 Spearman in Support of Motion for Relief From Stay, the Relief From Stay Information Sheet and  
12 all applicable exhibits filed concurrently herewith.

13                  Dated: November 3, 2010

14                  LAW OFFICES OF DAVE M. McGRAW

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18                  BY:/s/ Dave M. McGraw \_\_\_\_\_  
19                  DAVE M. McGRAW  
20                  Attorneys for Movant  
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